

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Implementation of Section 26 of the  
Cable Television Consumer Protection  
and Competition Act of 1992

Inquiry into Sports Programming  
Migration

PP Docket No. 93-21

FURTHER REPLY COMMENTS OF  
AFFILIATED REGIONAL COMMUNICATIONS, LTD.

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## SUMMARY

The record developed in response to the Commission's Further Notice confirms the Commission's tentative conclusion that there is no "migratory trend towards cable, either overall or in individual sports." No commenter has questioned the Commission's conclusion that college basketball and professional football, basketball and hockey games have not "migrated" from broadcast television to cable. Although a few commenters have protested the National Football League's decision to scramble its satellite feeds, this issue is unrelated to "migration." Indeed, the NFL's new program affects only games which are unavailable on broadcast television in particular areas and effectively expands their availability. The empirical data provided to the Commission on these sports reinforces its tentative conclusions.

In contrast, the Association of Independent Television Stations ("INTV") continues to allege that Major League Baseball ("MLB") and collegiate football games are migrating from broadcast television to cable sports services. INTV claims that, as a result of the new MLB agreement with ESPN and the new joint venture agreement between the MLB clubs, NBC and ABC, forming The Baseball Network, "local stations will be prohibited from broadcasting [MLB games] three out of seven nights during the last half of the season." INTV's claim is demonstrably false. In a desperate attempt to create "evidence" of migration of MLB games at the local level -- when local broadcasts of MLB games will reach an all-time high this year -- INTV provides a distorted

"statistical analysis" which ignores increases in broadcast coverage and compares changes in local broadcast coverage of MLB games to changes in regional cable carriage during different time periods. The Commission should not countenance such artifice and certainly should not rely upon it as the foundation for legislative or regulatory action.

INTV's "statistical analysis" of broadcast and cable carriage of college football is equally unreliable. Although INTV claims that its analysis reveals a "pervasive decline" in over-the-air broadcasts of college football games, the data provided by INTV regarding broadcast, network, and syndicated coverage of college football games show a significant net increase in such broadcasts. In any event, INTV simply ignores the separate agreements recently reached between several CFA member conferences and ABC or CBS. The parties to those agreements uniformly have represented that they will result in substantial increases in broadcast coverage of college football.

Finally, INTV offers nothing to support different conclusions regarding the need for, and constitutionality of, sports siphoning regulations than those reached by the Court of Appeals in its Home Box Office decision. The Commission should terminate this Inquiry and report to Congress that legislative or regulatory action to address sports "migration" is unnecessary and inappropriate.

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Affiliated Regional Communications, Ltd. ("ARC") submits these comments in response to selected comments in this proceeding. The updated record confirms that developments since release of the Commission's Interim Report provide no basis for modifying the Commission's tentative conclusion that sports programming "migration" has not occurred or requiring ongoing annual oversight of sports "migration" by Congress or the Commission.

Introduction

In response to the Further Notice of Inquiry, PP Docket No. 93-21, FCC 94-65 (rel. Mar. 11, 1994) ("Further Notice"), a broad cross-section of interested parties, including broadcast networks and stations, national and regional cable sports services, professional sports leagues, collegiate athletic conferences, and amateur sports

organizations, have submitted comments. The extensive record developed in this proceeding over the past two years confirms the Commission's tentative conclusion that there has been no "migratory trend [of sports programming] towards cable, either overall or in individual sports." Interim Report, 8 FCC Rcd. 4875 (1993) ("Interim Report"), at ¶85.

Despite the overwhelming and consistent record evidence supporting the Commission's tentative conclusion, the Association of Independent Television Stations, Inc. ("INTV") tries to show isolated instances of alleged sports programming "migration" from broadcast to cable television. Based upon this claimed "migration," INTV urges that the "Commission and the Congress should continue to play an active role in the issue of sports migration." INTV Further Comments at 1. However, INTV's claims are founded upon its own novel and self-serving definition of "migration" and presumptions constructed to reach its desired result -- the record evidence contradicts INTV across the board.

Faced with the documented increases in sports programming on broadcast television, INTV now asks the Commission to change its definition of migration "to ask whether there would be increased coverage of certain sports on free off-air television in the absence of pay subscription channels." INTV Comments at 2. Based on nothing more than its own speculation, INTV then simply asks the Commission to presume such "migration:"

[E]ven if there has been a slight increase in the number of games appearing on off-air television over the years, one may assume that this number would be even higher in the absence of pay cable sports channels.

Id. at 4. Finally, INTV completes its circular argument by presuming that "an increase of games on cable sports channels decreases the number of broadcast exhibitions." Id. at 3. In short, INTV would have the Commission redefine "migration" and then presume its existence.

Armed with this self-serving redefinition of "migration" and its assumptions of fact, INTV requests that the Commission "continue to monitor this issue closely" by allowing this docket to "remain open with annual reports on the status of sports on over the air television." INTV Comments at 20-21. The unending proceeding suggested by INTV would waste the limited resources of the Commission and the parties -- resources already strained by the extensive reregulation mandated by the Cable Television Consumer Protection and Competition Act of 1992.

The record also demonstrates that no legitimate purpose would be served by such ongoing annual reporting. The Commission has received the relevant facts regarding network broadcast and national cable coverage of most major professional and collegiate sports under contracts extending through 1998 and in some cases through 2000. Although the duration of contracts governing local and regional broadcast and cable coverage of particular teams varies, the Commission



has received substantial data showing the trends in such local and regional coverage over the past fourteen years. Because the uncontradicted empirical data demonstrate that significant migration has not occurred and is unlikely to occur in the near future, the Commission should terminate its Inquiry and report to Congress that legislative action to address sports "migration" is unnecessary and inappropriate.

I. Professional Football, Basketball And Hockey  
And Collegiate Basketball Have Not Migrated  
To Cable -- No Commenter Has Claimed Otherwise.

In response to the Further Notice, which specifically sought comment on the tentative conclusions reached by the Commission in its Interim Report, no commenter questioned the Commission's tentative conclusions regarding the absence of any "migratory trend towards cable" of professional football, basketball and hockey and collegiate basketball contests. The professional sports leagues and several collegiate athletic conferences endorsed the Commission's tentative conclusions and reported that developments since the release of the Interim Report reinforce those conclusions.

A. Under New Agreements, All Regular And  
Post-Season NFL Games Will Be On Broadcast  
Television Through The 1997-98 Season.

The Commission tentatively concluded that "professional football has experienced no migration" to cable. Interim Report at ¶27. However, it was concerned that circumstances might change as a result of the expiration of

existing agreements between the National Football League ("NFL") and NBC and CBS. Id. at ¶23. Consequently, the Commission sought information regarding the effect of new contracts on the availability of NFL games on broadcast television. Further Notice at ¶19.

The NFL has confirmed that, "[u]nder the new agreements, as under the old, 'all regular and post-season NFL games [will be] shown on broadcast television.'" NFL Further Comments at 2. Moreover, "the number of games broadcast each week in a given market will be unchanged." Id. at 3. The only difference in the new television contracts is that "viewers will, of course, be watching NFC [National Football Conference] package games on Fox affiliates or Fox designees instead of CBS affiliates." Id. at 5.

Fox Broadcasting Company ("Fox") confirms that "the movement of NFC games to Fox will not have a negative impact on the aggregate availability of games via broadcast television." Fox Further Comments at 1. Likewise, NBC represents that there will be "no reduction in network coverage of AFC [American Football Conference] games as compared to the prior NBC/AFC agreement." NBC Further Comments at 4. Thus, the new NFL television agreements, which do not expire until the end of the 1997-98 NFL season (NFL Further Comments at 5), ensure that all NFL regular and post-season games will continue to be available on broadcast television.

Only the National Licensed Beverage Association ("NLBA") and Satellite Receivers Ltd. ("SRL") objected to the new NFL television arrangements, protesting the NFL's decision to scramble back-haul and network satellite feeds and to charge commercial establishments such as bars and restaurants a fee to receive telecasts of those games which otherwise would not be available on broadcast stations in their particular area. See NLBA Further Comments at 1-2; SRL Further Comments at 1. Because unauthorized interception of the back-haul and network affiliate feeds is unlawful under the Copyright Act -- even when the signal is not scrambled -- the NFL proposal actually will allow viewers to receive these signals lawfully, making more NFL games available to television viewers than ever before. See NFL Comments at 8 and n.6.

In any event, ARC respectfully submits that these objections are irrelevant to the issue of "migration." The NFL games scheduled for broadcast in a particular area remain available over the air -- they have not migrated to a "subscription medium." Only "out-of-market" games, not otherwise available on broadcast television in a particular area, are scrambled and included in the package available to commercial establishments and home satellite dish ("HSD") owners for a fee. Thus, the NFL's scrambling plan does not result in "migration" of NFL games from broadcast to "subscription" television.

**B. Network And Local Broadcasts Of Professional Basketball Games Have Increased To An All-Time High.**

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The National Basketball Association ("NBA") has endorsed the Commission's tentative conclusion that "telecasts of NBA basketball have not 'migrated' from broadcast to non-broadcast television at either the national or local level." NBA Further Comments at 1. Rather, "the number of telecasts of NBA games on broadcast television, both locally and nationally, has grown significantly." *Id.* The NBA confirmed that local broadcasts of NBA games reached "an all-time high" last season. *Id.* at 2. As ARC reported in its Further Comments, local broadcast coverage of NBA games has increased in each case in which an ARC-managed regional network has entered or sought to renegotiate a contract with an NBA team since the Interim Report was released. *See* ARC Further Comments at 8-10.

At the national level, under the NBA's new contract, NBC will televise up to 61 NBA games this season, more than ever before. *See* NBA Further Comments at 5; NBA Initial Comments, filed Mar. 29, 1993, at Exhibits 1-3. The NBC Agreement extends until the end of the 1997-98 season. Thus, no significant migration of professional basketball games from broadcast television to cable at either the national or the local level is likely in the near future.

C. National And Local Broadcast Coverage  
Of National Hockey League Games Is  
Increasing.

The Commission tentatively concluded that telecasts of National Hockey League ("NHL") games have not "migrated from broadcast to cable on the national level" and that the "slight decline" in local broadcasts of NHL games was not "a cause for concern." Interim Report at ¶53. The NHL has endorsed the Commission's tentative conclusions, which no commenter has challenged. NHL Further Comments at 2. Moreover, the NHL reports that developments since release of the Interim Report confirm that NHL telecasts appear to be "reverse-migrating" at the national level. Id. at 3.

As the Commission noted in its Interim Report, there was no national broadcast television carriage of NHL games after 1980, except for "All-Star Game[s]...since 1990 and a few playoff games...televised on ABC this year." Interim Report at ¶53. However, since release of the Interim Report, the NHL "has expanded its national broadcast package for the current season." Consequently, "over 20 games will be broadcast by the ABC network over conventional television." NHL Further Comments at 3. At the same time, the NHL reports that "the number of local over-the-air telecasts of NHL games has increased, even allowing for the effect of the expansion teams." Id. Thus, the experience of the NHL offers "no comfort to those who advance a theory of sports migration" from broadcast television to cable and "provides no basis for

any legislative or regulatory action." NHL Further Comments at 6 (emphasis in original).

D. Coverage Of College Basketball Has "Reverse Migrated."

The Commission tentatively concluded that there is "no evidence of migration of college basketball games to subscription media." See Further Notice at ¶27. Again, no commenter has questioned this conclusion. Rather, the National Collegiate Athletic Association ("NCAA") "wholeheartedly endorses the Commission's finding." NCAA Further Comments at 1. In fact, the NCAA cited the following examples of "reverse migration" in collegiate basketball:

- Each of the 63 Division I men's tournament games in 1994 was broadcast live, in whole or in part, on CBS although early rounds previously had been televised only on ESPN;
- The semi-final and final games of the Division I women's tournament in 1994 were broadcast by CBS; and
- The final game of the Division II men's tournament was broadcast on CBS.

Id. at 2-3.

Because the Further Notice emphasized college football, the major collegiate athletic conferences did not discuss their basketball packages in further comments. However, their initial comments establish that collegiate athletic conferences give priority to broadcast coverage at the national and local level and that there has been no migration of regular season college basketball games at either level.

See, e.g., Initial Comments of Atlantic Coast Conference, filed Mar. 29, 1993, at 3 (men's basketball games "not broadcast nationally or regionally by the networks or cablecast [nationally] by ESPN are syndicated...to individual broadcast stations"); Initial Comments of the Big East Conference and the Big East Football Conference, filed Mar. 29, 1993, at 1 (in its "national and regional/local television packages, the Big East and Big East Football Conference have given priority to broadcast television"); Initial Comments of the Southwest Conference, filed Mar. 29, 1993, at 3 (SWC men's basketball weekend games are syndicated to broadcast stations while week-night games usually appear on cable). The undisputed record supports the Commission's tentative conclusion that there is "no evidence of migration of college basketball games." Further Notice at ¶27.

II. The Record Contradicts INTV's Claim That Major League Baseball Games Are Migrating To Cable.

The Commission tentatively concluded that migration of Major League Baseball ("MLB") games "has not taken place at the national level" and, at the local level, "migration has been isolated and relatively slight." Interim Report at ¶86. INTV contends that the Commission's conclusions are "simply not correct." INTV Further Comments at 18. However, INTV chooses to ignore the impact on "migration" of three relevant and undisputed developments:

- At the national level, ESPN, Inc. ("ESPN") has reduced "coverage of MLB to approximately one-half the number of games distributed under our prior agreement;"
- The Baseball Network ("TBN"), the new joint venture among the MLB clubs, NBC and ABC will broadcast every MLB game played on one night a week for twelve weeks during the last half of the season; and
- At the local level, MLB clubs will provide this season "more 'free' broadcasts on local television than at any other time in the past."

See ESPN Further Comments at 3; MLB Further Comments at ii, 21-23. The empirical data provided by MLB, ESPN and the broadcast networks clearly contradict INTV's migration claims.

A. INTV's Complaints About The Baseball Network Are Irrelevant To The "Migration" Issue.

At the outset, INTV complains that as a result of the new ESPN agreement and the TBN venture with ABC and NBC "local stations will be prohibited from broadcasting [MLB games] three out of seven nights during the last half of the season." INTV Further Comments at 11-12. INTV's claim is simply false. On one of those three nights, a local television station will be broadcasting the local MLB game, but the station will be a local affiliate of NBC or ABC rather than an independent station. On Sunday nights, one of the "three nights" cited by INTV, the games televised by ESPN are the only ones being played.

As ESPN has explained, its Sunday night telecasts of MLB games are exclusive only "by virtue of the fact that



except for the ESPN games and occasional back-up games, no other MLB games are scheduled for Sunday evenings." ESPN Further Comments at 2-3. Moreover, the exclusivity provisions regarding its Wednesday night telecasts are "the same as in the prior agreement" between MLB and ESPN. Id. at 2. In fact, ESPN reports that the only significant difference between its new MLB agreement and its prior agreement is that it has reduced its coverage of MLB games under the new agreement to "approximately one-half the number of games distributed under our prior agreement." Id. at 3.

Thus, the only "new" development about which INTV complains is the formation of TBN, which plans to "produce free telecasts of approximately 160 regular season games in 1994," as well as the All-Star game, the respective League Championship Series and the World Series. MLB Further Comments at ii. The TBN regular season telecasts will include regional prime time coverage of every MLB game played on one night a week for twelve weeks following the All-Star game. Id. at 21-23. The first six weekly telecasts will be aired over the ABC Network, and the last six over the NBC Network. Id. at 22. Thus, INTV's real complaint is that broadcast coverage of the local MLB team for one night a week for twelve weeks will be provided by a network affiliate rather than an independent station -- a fact irrelevant to "the movement of sports programming from broadcast television to a subscription medium." See Interim Report at ¶8.

**B. INTV's Selective "Statistical Analysis" Provides No Evidence Of "Migration" At The Local Level.**

In its Interim Report, the Commission correctly noted that, although the number of MLB games shown on regional cable networks increased substantially between 1981 and 1992, the number of MLB games shown on local broadcast television also increased during that period. Interim Report at ¶44. The Commission's analysis supported the conclusion that "the majority of games shown on local cable television are games that were not previously broadcast." Id. MLB reports that the respective number of local broadcasts and regional cablecasts of MLB games have remained "relatively unchanged" since the Commission's Interim Report was released. See MLB Further Comments at 5, 26; MLB Initial Comments, filed Mar. 29, 1993, at 6, 18.<sup>1</sup>

However, INTV maintains that "national statistics reporting an increase in games on over-the-air television do not prove that sports migration is not taking place." INTV Further Comments at 15. Instead, INTV offers its own interpretation of these statistics. INTV does not dispute that local broadcasts of MLB games increased by 313 games between 1980 and 1993. Instead, it contends that the Commission should ignore 270 games out of the 313 game increase because:

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<sup>1</sup> According to data provided by MLB, regional cable telecasts increased by 6 games over last year; while telecasts by local broadcast stations increased by 2 games. MLB Further Comments at 5, 26.

- 32 of the games represent increases in "the broadcast of Chicago Cubs and Atlanta Braves...[and] there is common ownership between the team and the television station;"
- 124 of the games represent increases "in markets where there was no cable sports channel in 1993 to siphon away games;"
- 79 of the games represent increases "in markets where the increase in games broadcast on off-air television was associated with a significant decline in games on cable sports channels;" and
- 35 of the games represent increases "in markets with very limited cable exposure."

Id. at 14-15. In other words, INTV would have the Commission ignore all increases in local broadcast coverage of MLB games except to the extent that the increase was accompanied by an increase in cable coverage. At the same time, INTV would have the Commission count all increases in cable coverage of MLB games as evidence of migration, regardless of whether broadcast coverage increased or decreased. Id.

Aside from its obviously skewed methodology, INTV simply ignores facts that do not support its claim of migration. For example, INTV attributes the increase in broadcast coverage of Atlanta Braves games to the common ownership of the team and a local broadcast station, ignoring the fact that Turner Broadcasting also has an ownership interest in Sport-South, the regional cable sports channel in the Atlanta area. See Broadcasting & Cable, Mar. 14, 1994, at 36. Likewise, INTV attributes the increase in broadcast coverage of Seattle Mariners games to the absence of any "cable sports channel

in 1993 to siphon away games." INTV Further Comments at 14. However, Prime Sports Northwest, an ARC-affiliated regional cable sports network, has operated in that region since 1988 and carries the games of other Seattle professional sports teams, including the Seattle Supersonics of the NBA. Thus, the increase in broadcast coverage of Mariners games clearly is not due to the absence of a regional cable sports network.<sup>2</sup>

Moreover, there is no explanation for INTV's contention that a 79-game increase in local broadcast coverage of certain MLB teams should be ignored as evidence "that sports migration is not taking place" because the broadcast increase has been accompanied by a decrease in cable coverage. INTV Further Comments at 14-15. In fact, the next chart presented in INTV's "analysis" attempts to demonstrate migration to cable by showing an alleged increase in cable coverage of certain MLB teams accompanied by an alleged decrease in broadcast coverage. Id. INTV simply cannot have it both ways.

Finally, INTV offers six examples in which an alleged decrease in broadcast coverage of MLB games has been accompanied by "a significant increase in cable exposure," claiming that they disprove the Commission's tentative conclusion that migration of MLB games is not occurring at the local

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<sup>2</sup> Similarly, INTV attributes the increase in broadcast coverage of Los Angeles Dodger and California Angels games to "very limited cable exposure." INTV Further Comments at 15. However, Prime Ticket, a regional cable sports network which is a programming affiliate of Prime Network, operates in that region and is reported to serve over 4,000,000 subscribers.

level. INTV Further Comments at 15. However, by measuring the changes in broadcast coverage of selected MLB teams using a different time period (1980-1993) than that used to measure changes in cable coverage (1984-1993), INTV distorts the facts in its attempt to create evidence of nonexistent migration. If the same time periods are compared, using INTV's own figures as set forth in Exhibit A to its Further Comments, two of the six teams listed by INTV (Boston and Cleveland) would show increases in broadcast coverage rather than decreases; one would show no change in broadcast coverage rather than a decrease (Baltimore); and the total decrease in broadcast coverage for the remaining three teams (New York Mets, Chicago White Sox, and New York Yankees) would diminish from 129 games to 61. Moreover, 46 of those 61 games are attributable to the New York Yankees, a situation which the Commission has examined fully. See Interim Report at ¶44.

When confronted with facts which do not fit its fanciful theory of migration, INTV either distorts them until they do fit or ignores them completely. If the same time periods are compared (1984-1993), the "analysis" contained in Exhibit A to INTV's Further Comments demonstrates that of the 24 teams listed:

- 7 teams experienced simultaneous increases in local broadcast and regional cable coverage of their games;
- 7 teams experienced increases in local broadcast coverage and decreases in regional cable coverage;

- 6 teams experienced decreases in local broadcast coverage and increases in regional cable coverage;<sup>3</sup> and
- 1 team experienced a simultaneous decrease in local broadcast and regional cable coverage.

Consequently, INTV's "analysis" provides no support for its conclusion that "the presence of a cable sports channel has been associated with a decline in games in 20 out of the 28 baseball markets." INTV Further Comments at 17.

If anything, INTV's "analysis" confirms the absence of a "migratory trend" towards cable at the local level and the varied local effects of competitive market forces. INTV's gross distortion of the facts regarding professional baseball coverage certainly cannot justify ongoing Congressional or Commission oversight, much less legislative or regulatory action.

### III. INTV's "Analysis" Of College Football Provides No Evidence Of Migration.

The Commission tentatively concluded that there was only "limited concern" about the migration of college football games from broadcast to cable television. Interim Report at ¶61. The Commission reported that commenters responding to its initial Notice of Inquiry did not "contend that games previously broadcast have migrated to cable." Id. at ¶59. However, the Commission sought additional information

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<sup>3</sup> Of these 6 teams, the San Diego Padres experienced a decline of 1 broadcast; the Chicago Cubs, 9 broadcasts; the Chicago White Sox, 3 broadcasts; and the New York Mets, 12 broadcasts. INTV Further Comments at Exhibit A.

regarding potentially "preclusive" contract provisions in collegiate football television packages. Further Notice at ¶¶28-31. The Commission stated that it already had "a substantial amount of information...regarding the national contracts between ABC/ESPN and the College Football Association (CFA) and the Big Ten/Pacific 10," and sought information regarding "separate contracts" recently executed between "several CFA conferences ...[and] ABC or CBS for carriage of their games beginning in 1996." Id. at ¶30.

In response, INTV rehashes its prior arguments regarding the CFA agreement with ABC/ESPN. INTV attempts to put a new "spin" on these facts by citing what it identifies as "findings" by the Federal Trade Commission's Bureau of Competition. See INTV Further Comments at 24 ("the Bureau of Competition found that the ABC and ESPN contracts with college football effectively prevented others from telecasting games"). Contrary to INTV's characterization, the "findings" cited by INTV are merely allegations contained in "Complaint Counsel's Nonbinding Statement" to support its complaint against the CFA and ABC -- a complaint which INTV admits the presiding FTC Administrative Law Judge has dismissed. Id. at 24-25. Thus, the "findings" cited by INTV are stale allegations in support of a complaint found to be legally insufficient.

A. INTV's "Statistical Analysis" Of College Football Is No More Reliable Than Its Baseball Analysis.

INTV also presents what purports to be a "statistical analysis" of college football telecasts in certain markets in support of its claim that "current contractual arrangements create a series of time block exclusivity windows that make it impossible to broadcast live college football games." INTV Further Comments at 26.<sup>4</sup> However, the facts reported by INTV confirm that live network broadcasts of college football games have increased. Moreover, comments submitted by ABC, ESPN and several collegiate athletic conferences indicate that substantial opportunities currently exist for live local broadcasts of college football games and such opportunities are likely to increase under the new television arrangements.

At the outset of its "statistical analysis," INTV provides information regarding changes in broadcast network and syndicated coverage of college football between 1988 and

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<sup>4</sup> INTV also represents that it "is in the process of providing the Commission with additional data regarding the decline of college football games on over-the-air television" and intends "to provide the Commission with such data as soon as possible, hopefully before the reply comment deadline." INTV Further Comments at 37. To the extent that the Commission receives such data and is inclined to consider it in making its Report to Congress, ARC respectfully suggests that the other parties to this proceeding be given an opportunity to review and comment upon any additional "data." INTV has been aware of this proceeding for two years and should not be permitted to slip new material into the record at the twelfth hour to avoid scrutiny by other commenters -- particularly in view of the unreliable "statistical analyses" which INTV has presented thus far.



1992. INTV Further Comments at 27. Although INTV claims that there has been a "pervasive" decline in "college football games on over the air television" (id.), the figures which it provides simply do not support that claim:

	<u>1988</u>	<u>1992</u>
CBS/NBC	14	7
ABC	16	60
"Two Broadcast Syndicators"	<u>64</u>	<u>42</u>
	<u>94</u>	<u>109</u>

Id. at 24.

INTV also presents an "analysis" of college football telecasts in San Francisco, Tucson and Minneapolis based on the Saturday television listings in local newspapers. See INTV Further Comments at 29-36. However, there is no consistency or reliable methodology in INTV's "statistical analysis." INTV does not reveal how it came to select these three markets, and it applies a different methodology for its analysis in each market. For example, in San Francisco, it reviewed the television listings for the months of "September through December for the years 1984 to 1992." Id. at 29. However, in Minneapolis, it reviewed listings only for the month of November. Id. at 35. In San Francisco, INTV counted each station carrying the same game as a separate telecast -- i.e. an ABC network game carried on three ABC affiliates in the San Francisco area was counted as three games. Id. at 30.